

## REMARKS

The applicants have considered the Office action dated March 4, 2009, and the references it cites. By way of this response, claim 4, 27, 53, 76 and 101 have been canceled without prejudice to their further prosecution, and claims 1, 3, 5, 24, 26, 28, 29, 31, 46, 50, 52, 54, 73, 75, 77, 98, 100 and 102 have been amended pursuant to 37 C.F.R. § 1.116 and M.P.E.P. § 714.12 to place the claims in better form for consideration. The amendments are fully supported by the originally-filed application. No new matter has been added. In view of the foregoing amendments and the following remarks, it is respectfully submitted that the pending claims are in condition for allowance and favorable reconsideration is respectfully requested.

### Examiner Interview Summary

The undersigned would like to thank the Examiner for the courtesies extended to the undersigned during telephonic interviews conducted on December 15, 2009, and December 22, 2009. The Examiner and the undersigned were the only participants in the calls. The subject matter of the independent claims and the references cited in the Office action were discussed. Claim amendments that were discussed during the interviews are reflected in this written submission. Although no agreement regarding allowability of the claims was reached during the interviews, it is respectfully submitted that the claims presented herein are allowable over the art relied upon by the Office action.

### Art Rejections

The Office action rejected independent claim 1 as being unpatentable over *Reynolds* (U.S. 2002/0138852) in view of *Neuhauser* (U.S. 2004/0064319) and *Eid* (U.S. 6,115,654) under 35 U.S.C. § 103(a). The applicants respectfully traverse this rejection.

Independent claim 1, as currently amended, recites a method for a transcoder to transcode metadata included in a media signal conveyed via a home network from a first media format associated with a first media consumption device to a second media format detectable by a media metering device configured to meter a second media consumption device. The method recited in amended claim 1 comprises querying the media metering device via the home network to determine a sensing capability of the media metering device to sense a media output signal from the second media consumption device communicatively coupled to the home network, and identifying the second media format based on the determined sensing capability of the media metering device, the second media format detectable by the media metering device.

As discussed during the Examiner interviews, amended claim 1 is allowable because no combination of the art relied upon by the Office action teaches or suggests the recited method for a transcoder to transcode metadata included in a media signal from a first media format associated with a first media consumption device to a second media format detectable by a media metering device configured to meter a second media consumption device. For example, no combination of the relied upon art teaches or suggests querying the media metering device via the home network to determine a sensing capability of the media metering device to sense a media output signal from the second media consumption device. Additionally, no combination of the art relied upon by the Office action teaches or suggests identifying the second media format detectable by the media metering device based on the determined sensing capability of the media metering device.

Although *Reynolds* describes comparing capabilities of a receiver with a media stream type to determine which media streams can be received (*See Reynolds*, ¶ [0058]), *Reynolds* is silent with respect to metering devices, much less querying a media metering device to determine

a sensing capability of the media metering device to sense a media output signal from the second media consumption device, or identifying a second media format detectable by the media metering device based on the determined sensing capability of the media metering device. In fact, the Office action expressly acknowledged that *Reynolds* “fails to teach a metering device” (See the Office action, p. 4). *Neuhauser* is cited for a metering device, but also fails to teach or suggest any querying of a metering device to determine a sensing capability or identifying of a second media format detectable by the media metering device based on the determined sensing capability. *Eid* and *Levy* (U.S. 2001/0044899) are even less relevant to these aspects of amended claim 1.

For at least the foregoing reasons, the method of amended claim 1 defines a nonobvious advance over the references relied upon by the Office action. Accordingly, withdrawal of the rejections of claim 1 and all claims depending therefrom under 35 U.S.C. § 103(a) is respectfully requested.

Amended independent claims 24, 50, 73 and 98 are also believed to be allowable over the art relied upon by the Office action for at least the reasons explained above in connection with claim 1. Accordingly, withdrawal of the rejections of claims 24, 50, 73 and 98, as well as all claims depending respectively therefrom, under 35 U.S.C. § 103(a) is respectfully requested.

#### **Further Remarks**

In general, the Office action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the applicants will not address such statements at the present time. However, the applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

If the Examiner is of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is invited to contact the undersigned at the number identified below.

The Commissioner is hereby authorized to charge any deficiency or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 1.17 or under other applicable rules (except payment of issue fees) to Deposit Account No. 50-2455.

Respectfully submitted,

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